

**Meeting of the Central Valley Flood Protection Board
September 19, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18388 (Attachment A) to excavate material, place cobbles along the cut, and spoil material on gravel bar within the channel of the American River.

Applicant

Sacramento Regional Water Forum

Location

The project is located in Rancho Cordova, downstream of the Sunrise Boulevard Bridge. (American River, Sacramento County see Attachment B).

Description

The Sacramento Region Water Forum is proposing to modify an existing side channel of the American River located adjacent to a gravel bar downstream of Sunrise Boulevard. Approximately 1,200 linear feet of the side channel would be excavated to improve flow conditions in the side channel such that water flows through the channel at or above 900 cfs rather than at or above 4,000 cfs as currently occurs. The material excavated from the side channel would be used to fill in scour pools and depressions within the gravel bar. The project would also include removal of non-native vegetation within the gravel bar and planting of native vegetation. There will be no imported fill and native cobbles will be used to line the cut.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting..
- The Department of Water Resources has channel maintenance responsibilities in this area and endorses this project.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The City-County Office of Metropolitan Water Planning (The Water Forum), as lead agency under CEQA, approved the project (Lower American River Sunrise Side Channel Project, SCH #2008068160) on June 11, 2008 and determined that the project was categorically exempt under a Class 4 categorical exemption (CEQA Guidelines 15304) for minor alterations to land.

The Notice of Exemption further stated that “the project will be constructed using best practices appropriate to the site and in accordance with existing laws and regulations (e.g., work windows, construction monitors, spill containments and management, stormwater pollution prevention, best management practices for erosion control). Hydraulic modeling results show a minor decrease in water surface elevation from proposed activities and no impact on flooding.

The Board, acting as a responsible agency under CEQA, has reviewed the Water Forum determination and has independently determined that the project is exempt from CEQA under a Class 4 categorical exemption (CEQA Guidelines 15304, d) for minor public alterations in the condition of land, water and vegetation which result in improvement of habitat for fish and wildlife resources or greater fish production.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Permit
- B. Location maps and photos

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18388 BD

This Permit is issued to:

Sacramento Regional Water Forum
660 J Street, Suite 260
Sacramento, California 95814

To excavate approximately 7,000 cubic yards of material along approximately 1,200 linear feet, place cobbles along the cut, and spoil material on gravel bar within the channel of the American River. The project is located in Rancho Cordova, downstream of the Sunrise Boulevard Bridge (Section 13, T9N, R6E, MDB&M, American River, Sacramento County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18388 BD

THIRTEEN: All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

FOURTEEN: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the herein permitted project resulting from flood fight, operation, maintenance, inspection, or emergency repair.

FIFTEEN: The permittee is responsible for all liability associated with construction, operation, and maintenance of the herein permitted project and shall defend and hold harmless the Central Valley Flood Protection Board and the State of California and/or any department(s) thereof from any liability or claim(s) of liability associated therewith.

SIXTEEN: The permittee shall be responsible for repairs to the American River Designated Floodway due to construction, operation, or maintenance of the herein permitted project.

SEVENTEEN: The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

EIGHTEEN: No construction work of any kind shall be done in the American River Designated Floodway during the flood season from November 1st to April 15th without prior written approval from the Central Valley Flood Protection Board.

NINETEEN: Cleared trees and brush shall be completely removed from the American River Designated Floodway, and downed trees or brush shall not remain in the floodway during the flood season from November 1st to April 15th.

TWENTY: Stockpiled material and/or equipment shall not remain in the American River Designated Floodway during the flood season from November 1st to April 15th.

TWENTY-ONE: If the herein permitted project results in an adverse hydraulic impact to the American River Designated Floodway, the permittee shall provide appropriate mitigation measures, to be approved in writing by the Central Valley Flood Protection Board, prior to implementation of mitigation measures.

TWENTY-TWO: The permittee shall maintain the herein permitted project within the American River Designated Floodway in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

TWENTY-THREE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the herein permitted project if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the permitted project at the permittee's expense.

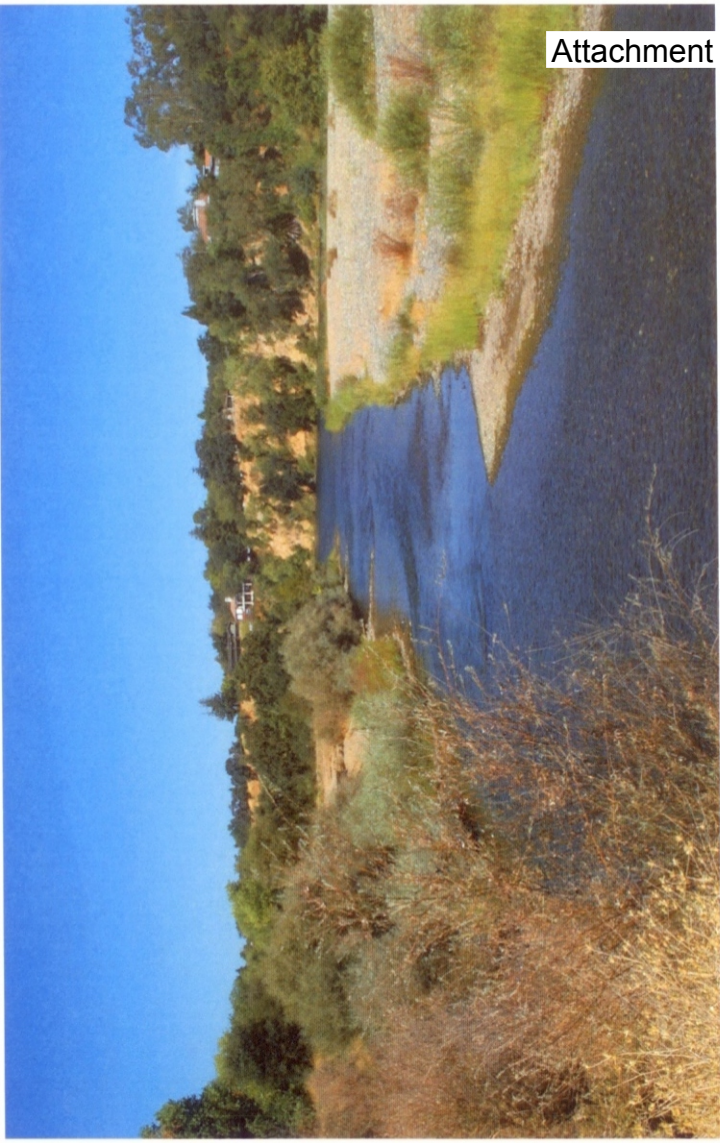
TWENTY-FOUR: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.



Attachment B



View facing west of downstream portion of side channel during 4,000 cfs flows . (EDAW 2008)



View facing west of side channel connecting to main channel of the American River.
(EDAW 2008)